IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2900 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AM THAKAR

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 2900 of 2000

MRS KETTY A MEHTA for Petitioner No. 1-3

Mr.S.N. Shelat, the learned Advocate General with Maithili D. Mehta for Respondent No. 1,2, 3-3/A.

MR NIKHIL S KARIEL for Respondents No.4 & 5.

CORAM : HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 19/04/2004

ORAL JUDGEMENT

The petition is filed by A.M. Thakar, C.M. Vaghasia and M.N. Joshi against one K.K. Shridharan and G.C. Yadav, respondents no.4 & 5 respectively praying that,

".. .. deemed date given to respondent nos.4 and 5 herein by the orders dated 16.4.98 and 1.5.98 be quashed and/ or set aside and the order dated 20.6.98 giving further deemed date to respondent nos.4 and 5 in the post of Police Wireless Inspector be quashed and/ or set aside and that on the basis of the principles laid down in Special Civil Application No.780/78 by this Hon'ble High Court, proper deemed date should be given to respondent nos.4 and 5 herein considering the date on which they became qualified for the purpose of promotion to the post of Head Wireless Operator and became eligible for promotion to the higher cadre of Police Wireless Sub Inspector (Traffic/ Cipher)."

The petitioners have also prayed that,

".. .. the combined gradation list dated 27.8.94 fixing the common sorority of Police Wireless Sub Inspector (Engg.) and Police Wireless Sub Inspector (Traffic/ Cipher) be declared as illegal, ultra vires and bad in law inasmuch as the petitioner no.1 is placed at sr. nos.32 below respondent no.5 and the respondent nos.1, 2 and 3 be directed to properly fix the seniority of respondent nos.4 and 5 on the basis of correct deemed date and correct the said combined gradation list accordingly."

It is further prayed in the petition that,

"(C) .. .. respondents herein be directed to consider the petitioners herein in accordance with their proper seniority above respondent nos.4 and 5 for the purpose of promotion to the post of Police Wireless Inspector, as well as Dy. S.P. (W) and to give all the consequential benefits."

"(D) .. .. the placement of respondent nos.4 and 5 in the gradation list of PWSI dt.7.1.85 and in the gradation list of PWIs dt.22.3.95 and 20.11.98 be declared as illegal and void in law."

M.M. Damor, In-charge Superintendent of Police Wireless has filed an affidavit dated 20.01.2004 along with a copy of provisional seniority list dated 08.11.2001. The said affidavit in reply supports the contention of the petitioners, it takes care of their

grievances and the petitioners do not have any surviving grievance, more so when the learned Advocate General makes a statement that the State is going to carry out the directions given by this Court (Coram: Jayant Patel, J.) in Special Civil Application No.2233 of 2002 dated 20.01.2003.

In view of that the present petition does not survive. Disposed of accordingly. Rule is discharged. No order as to costs.

(Ravi R. Tripathi, J.)
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